

The Draft Law on the Protection of the Polish State Against Claims Regarding Heirless Property as an Example of Legal Populism

Abstract:

The author deliberates on whether legal populism is present in Polish reality, what the constitutive elements of the phenomenon are and whether draft laws meeting the formulated criteria of populism are currently the subject-matter of legislative work.

As the starting point, the author adopted an assumption that the phenomenon of penal populism could be considered in a wider aspect encompassing all branches of law, at the stages of both the creation and application thereof.

In the author's opinion, legal populism – understood as assumed above – includes the penal populism algorithm created by J. Widacki and the principles of legal counteraction to populism in politics formulated by T. Pietrzykowski as well as trends in justifying the necessity to amend the current provisions of law emerging during the legislative process.

Next, the author confronts the above assumptions with the proposed draft law on the protection of the Polish State against claims concerning the so-called heirless property and its justification which disregarded legal conditions of principal importance to the substance of the regulation.

The comparison has led the author to the final conclusion that the proposed regulation – although to a varying degree – meets all the criteria of a sign of legal populism formulated in the study.

Keywords: penal populism, legal populism, heirless property, abandoned property, inheritance by the State.